

Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

CROFTON EARLY LEARNERS



Building Foundations
for your Child's Future

DATA PROTECTION AND PRIVACY POLICY

Policy statement

Crofton Early Learners is committed to ensuring that any personal data held about you and your child is protected in accordance with data protection laws and is used in line with your expectations. Record keeping systems are in place that meet legal requirements and the means used to store and share that information takes place within the framework of General Data Protection Regulations (2018) and the Human Rights Act (1998). The paramount commitment is the safety and well-being of your child.

Procedures

This policy sets out Crofton Early Learners' commitment to protecting personal data and how that commitment is implemented with regards to the collection and use of personal data.

Crofton Early Learners is committed to ensuring that:

- data protection principles are complied with
- our legal obligations as laid down by the General Data Protection Regulation May 2018 are met
- data is collected and used fairly and lawfully
- personal data is processed only in order to meet operational needs or fulfil legal requirements
- steps are taken to keep personal data up to date and accurate
- appropriate retention periods for personal data are established
- data subjects' rights can be appropriately exercised
- adequate security measures are in place to protect personal data
- a nominated officer is responsible for data protection compliance and provides a point of contact for all data protection issues
- all staff are made aware of good practice in data protection
- adequate training is provided for all staff responsible for personal data
- everyone handling personal data knows where to find further guidance
- queries about data protection (internal and external) are dealt with effectively and promptly
- data protection procedures and guidelines are regularly reviewed

Data protection principles

Under the GDPR, the data protection principles set out the main responsibilities for organisations. Crofton Early Learners ensures that personal data is:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- accurate and kept up to date
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage

Our nominated officer is responsible for data protection compliance is **Ginia Brown**

What personal data do we collect?

Crofton Early Learners collects personal data about you and your child to provide care and learning that is tailored to meet your child's individual needs. We also collect information in order to verify your eligibility for Free Education Entitlement as applicable.

Personal details that we collect about your **child** include your child's name, date of birth, address, health and medical needs, development needs, and any special educational needs, ethnicity and dietary requirements and preferences. Where applicable we will obtain child protection plans from social care and health care plans from health professionals. We will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.

Personal details that we collect **about you** include your name, home and work address, phone numbers, contact email addresses, emergency contact details, and family details. We will also collect your national insurance number in order to apply for funding for your child.

Why we collect this information and the legal basis for handling your data

Crofton Early Learners uses personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. This includes using your data to:

- contact you in case of an emergency
- to support your child's wellbeing and development
- to manage any special educational, health or medical needs of your child whilst at the setting
- to carry out regular assessment of your child's progress and to identify any areas of concern
- to maintain contact with you about your child's progress and respond to any questions you may have
- to keep you updated with information about the pre-school

We will record your child's activities for their individual learning record. With your consent this will also include photographs.

We have a legal obligation to process safeguarding related data about your child should we have concerns about their welfare. We also have a legal obligation to transfer records and certain information about your child to the primary school that your child will be attending.

Who we share your data with

In order for us to deliver childcare services we will also share your data as required with the following recipients:

- Ofsted – during an inspection or following a complaint about our provision
- the Local Authority (where you claim Free Education Entitlement)
- the government's eligibility checker (as above)
- our insurance underwriter (if applicable)
- the primary school that your child will be attending
- any other childcare or pre-school setting that your child attends

Crofton Early Learners will also share your data if:

- we are legally required to do so, for example, by law, by a court or the Charity Commission;
- to enforce or apply the terms and conditions of your contract with us;
- to protect your child and other children; for example by sharing information with social care or the police;
- it is necessary to protect Croton Early Learners' rights, property or safety

Your rights with respect to your data

You have the right to:

- request access, amend or correct you or your child's personal data
- request that we delete or stop processing you or your child's personal data, for example where the data is no longer necessary for the purposes of processing
- request that we transfer you or your child's personal data to another provider

If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how we handle your data please contact us. If you have continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk

Records

We consider our records as confidential based on the sensitivity of information, such as with employment records.

Provider records

We keep records and documentation for the purpose of maintaining the pre-school. These include:

- records pertaining to the pre-school registration
- financial records pertaining to income and expenditure.
- risk assessments
- employment records of staff including their name, home address, email address, telephone number, bank account details and emergency contact details
- a daily register of staff attendance.
- details of students on recognised qualifications and training

Children's records

We keep two kinds of records on children attending Crofton Early Learners:

Developmental records

- these include observations of children in the setting, photographs and samples of their work and summary developmental reports
- these are usually kept in a secure cabinet and can be accessed, and contributed to, by the Leader and staff and shared with parents and carers at Parents' Evenings or any other time at which parents and carers wish to see them.
- if a child attends another setting, a regular two-way flow of appropriate information with other providers is established and where appropriate, comments from other providers will be incorporated into the child's records

Personal records

These confidential records are stored in a secure cabinet, with limited access, which is always locked when not in use. These may include the following (as applicable):

- personal details including the child's registration form and any consent forms.
- contractual matters – including a copy of the signed Free Education Entitlement parental contract, the child's days and times of attendance, a record of the child's fees, any fee reminders or records of disputes about fees.
- child's development, health and well-being including a summary of the child's EYFS profile report, a record of discussions about every day matters about the child's development health and well-bring with the parent
- early support including any additional focussed intervention provided by Crofton Early Learners (such as support for behaviour, language or development that needs an SEND action plan) and records of any meetings held
- welfare and child protection concerns including records of all welfare and protection concerns, and our resulting action, meetings and telephone conversations about the child, an Education, Health and Care (EHC) Plan and any information regarding a Looked After Child
- correspondence and reports including a copy of the child's 2 Year Old Progress Check (as applicable), all letters and emails to and from other agencies and any confidential reports from other agencies

Procedures

- all records are the responsibility of our Leader and Administrator who ensure they are kept securely
- records are kept up-to-date and maintained either in orderly paper files or electronically
- financial records are kept up-to-date for audit purposes.
- health and safety records; these include risk assessments, details of checks or inspections and guidance are maintained
- the Ofsted registration certificate is displayed on the notice board
- the public liability insurance certificate is displayed on the notice board
- employment and staff records are kept securely and confidentially

Ofsted are notified of any:

- changes to our premises which may affect the space available to us or the quality of childcare we provide
- changes to the person managing the pre-school;
- any significant event which is likely to affect our suitability to look after children
- other event as detailed in the *Statutory Framework for the Early Years Foundation Stage* (DfE 2017)

Personal data about your child is kept confidential within the pre-school by:

- reading any correspondence in relation to a child, noting any actions and filing it immediately;
- restricting access to a child's data to those authorised to see it, this being the Leader, Deputy Leader, SENCo (deputy designated person for child protection) and the child's key person;
- ensuring that parents have access to the files and records of their own children, but do not have access to information about any other child;
- ensuring that staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs;
- including an awareness of the importance of confidentiality in the role of the key person in the staff induction programme.

Archiving children's files

When a child leaves Crofton Early Learners, all paper documents are removed from the child's personal file and placed in a secure cabinet, with the child's name and date of birth on the front of the file and the date they left the setting. The files are retained for seven years, until the child leaves primary school. If data is kept electronically it is always encrypted.

Where there are records pertaining to an accident in the setting, records are maintained securely until the child reaches the age of 21 years. Where there were s.47 child protection investigations, records are maintained securely for 25 years.

Information sharing

Parents have a right to know that the information they share with Crofton Early Learners will be regarded as confidential and the right to be informed about the circumstances when, and the reasons why, Crofton early Learners is obliged to share information. However, Crofton Early Learners will share confidential information without authorisation from the person who provided if it is in the public interest. That is when:

- it is to prevent a crime from being committed or to intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

Crofton Early Learners will be open and honest with the individual (and their family where appropriate) from the outset about why, what, how and with whom information will, or could be, shared and seek their agreement unless it is unsafe or inappropriate to do so.

Staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file.

Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to the Leader or deputy designated person, who will contact children's social care for advice where they have doubts or are unsure. We seek advice if we need to share information without consent to disclose. We base decisions to share information without consent on judgements about the facts of the case and whether it is 'in the public interest'.

Crofton Early Learners will:

- record concerns and discuss these with our Designated Person and/or designated officer from the Trustees for child protection matters;
- record decisions made and the reasons why information will be shared and to whom; and
- follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Children and Child Protection Policy.

Our Safeguarding Children and Child Protection Policy sets out how and where information should be recorded and what information should be shared with another agency when making a referral. Where information is shared, we record the reasons for doing so in the child's file; where it is decided that information is not to be shared that is recorded too.

Consent

When parents choose to join Crofton Early Learners for their child, they will share information about themselves and their families. This information is regarded as confidential and is handled as follows:

- policies and procedures set out Crofton Early Learners' responsibility regarding gaining consent to share information and when it may not be sought or overridden;
- parents sign our Registration Form at registration to confirm that they understand this;
- parents are given copies of the forms they sign;
- the following questions are asked when assessing the need to share information:
 - is there a legitimate purpose to us sharing the information?
 - does the information enable the person to be identified?
 - is the information confidential and if so has consent been given to share it?
 - is there a statutory duty or court order requiring the information to be shared?
 - if consent is refused, or there are good reasons or sufficient public interest to share the information?
 - if the decision is to share, is the information being shared in the right way?
 - has the reason for the decision been properly recorded?

Where parents are separated, consent to share need only be sought from one parent. Where parents are separated, this would normally be the parent with whom the child resides. Where there is a dispute, this will be considered carefully.

If the child is looked after there may be a need to consult the Local Authority, as 'corporate parent,' before information is shared.

Procedure for parental access to child records

Parents may request access to any confidential records held on their child and family following the procedure below:

- any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the Leader;
- the Leader sends a written acknowledgement;
- Crofton Early Learners commits to providing access within 10 working days, although this may be extended as necessary;
- the Leader prepares the file for viewing;
- all third parties (including all family members who may be referred to in the records, workers from other agencies, including children's social and health care, the health authority) are written to, stating that a

request for disclosure has been received and asking for their permission to disclose to the person requesting it, with copies of these letters being retained on file;

- it is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them;
- when all the consents and refusals to disclose have been received, these are attached to the copy of the request letter;
- a photocopy of the complete file is taken and a charge will be made for this;
- the Leader goes through the file and removes any information which a third party has refused consent to disclose, using a thick black marker to score through every reference to the third party and information they have added to the file;
- what remains called the 'clean copy';
- the 'clean copy' is photocopied for the parents, who are then invited in to discuss the contents;
- the file is never given straight over, but is gone through by the Leader, so that it can be explained;
- legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.

Breaches of confidentiality

Where a parent or carer feels confidentiality may have been breached the following steps will be taken:

- the parent or carer should raise the matter immediately with the Leader;
- the parent or carer should discuss with the Leader the issues involved in the case and explain why they feel confidentiality may have been breached;
- the Leader will make a written note of this discussion;
- the Leader will discuss with the parent or carer what options are available and, if necessary, refer the issue to the Data Protection Officer.

Legal framework

General Data Protection Regulation (2018)

Human Rights Act (1998)

This policy was adopted by

On

Date to be reviewed

CEL TRUSTEES

2 February 2023

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